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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,835

06/26/2003

Atsushi Ikeno

31759-190543

4076

26694

7590

11/05/2008

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EXAMINER

FABER, DAVID

ART UNIT

PAPER NUMBER

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MAIL DATE

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11/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			EXAMINER FABER, DAVID	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 11/05/2008	DELIVERY MODE PAPER

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Office Action Summary	Application No. 10/603,835	Applicant(s) IKENO, ATSUSHI	
	Examiner DAVID FABER	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,8,9,11-13,17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6,8,9,11-13,17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/25/08</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the Request for Continued Examination filed on 25 August 2008 and the Information Disclosure Statement filed on 25 July 2008.

This office action is made Final.

2. Claims 12 and 21 are amended to correct objections.

3. The objection to the specification has been withdrawn as necessitated by the amendment. The objection of Claims 12 and 21 has been withdrawn as necessitated by the amendment.

4. Claims 1-2, 4, 6, 8-9, 11-13, 17, 19, and 20-21 are pending. Claims 1, 12, and 19-21 are independent claims.

Information Disclosure Statement

5. The information disclosure statement filed 25 July 2008 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because since the document JP-11-272699 is not in English, and no concise explanation of the relevance disclosed in English or a written English-language translation is provided, it fails to comply with 37 CFR 1.98(a)(3). Furthermore, the references listed under "Other Documents" fail to disclose each of the reference's pertinent pages. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with

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the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 4, 6, 8-9, 11-13, 17, 19, and 20-21 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Yanase et al (US PGPub 2001/0025288, published 10/27/2001) in further view of Luebbert (US Patent 5,530,794, published 6/25/1996)

As per independent Claim 1, Yanase et al discloses:

- Computer readable medium (Paragraph 0026)
- Document kind discriminating means for discriminating the kind of the inputted electronic document (Discloses to analysis and determine the document format. Thus Yanase discloses the ability to determine the inputted document is either electronic mail (electronic document) or printed matter, (paper document)), thus able manage different kinds of documents inputted (Paragraph 0063, lines 7-11) and that the document format of news information is already determined. (Paragraph 0073, lines 5-8))
- division pattern storing means for storing therein one or plural division patterns defining a predetermined character string said character string being

represented in a division line; document dividing means for applying the one or plural division patterns stored in the division pattern storing means, selected based on the result of discrimination by the document kind discriminating means to the inputted electronic document which does not have predetermined structure information to divide the electronic document to plural partial documents. (FIG 7-8; Paragraph 0080, 0084: Discloses news information in an electronic mail format containing line separators composed of characters, regarded as a separator for separating articles from one another within. These character lines are predetermined rules for separating wherein the rules associated with the document formatted are used.

(Paragraph 0079-0080) Paragraph 0084 discloses an example using FIG 7 containing multiple character lines where the lines are used to separate the articles from each other. In addition, other division patterns are used to separate the title and the main body of text from within each of the separated articles. FIG. 8 shows the result of the method disclosure in Paragraph 0084. Furthermore, Yanase does not disclose that say the news contains structural information that the text in the document must appear in a certain order or position, discloses code in the document that when rendered the paragraphs must be aligned into a certain position nor includes information that a certain text is set to appear at the top or bottom the inputted document. Therefore it does not include structural information)

- labeling pattern storing means for storing therein plural labeling patterns provided with classification information pieces said classification information pieces defining a predetermined character string which specifies classification of a respective partial document; and labeling means for applying the labeling patterns stored in the labeling pattern storing means to respective partial documents obtained by the division conducted by the document dividing means, respectively, to provide the classification information pieces. (FIG 7-8; Paragraph 0081-0084: Discloses other predetermined rules, wherein the rules associated with the document formatted are used, that determine, separate, and label the title of the article, text of the article and other information into a data structure. (Paragraphs 0079-0083, 0087) As stated in Paragraph 0084, predetermined character strings such as space lines specify a partial aspect of the document if it's a title or text of that article. For example, a section separated from an subsequent section with only one line (one predetermined character string) is regarded as the title of the article and a section separated from a subsequent section with a plurality of lines (another predetermined character string) is regarded as the text of the article. Thus, FIG 8 shows the result of labeling the title and text of the article based on the classification of the predetermined character strings in the document. FIG 10 discloses other information retained, labeling the information retained from the document format analysis, and stored in a data structure shown in FIG. 6, and described in Paragraph 0077.)

Furthermore, Yanase et al fails to specifically disclose a division pattern producing means for recognizing existence of plural lines including similar character strings in similar positions in the electronic document inputted to produce the division pattern and register the same in the division pattern storing means. However, Luebbert discloses scanning text of a document searching for occurrence of repeating "possible page delimiters" or character strings to be recognized as a paragraph delimiter or paragraph dividing character string. Once scanned, it uses the character string that appears the most (highest frequency of occurrences) and uses that as the set page delimiter adding that string to the system for paragraph division. Thus, Luebbert recognizes a plural of lines that contain similar character strings near end of a paragraph that are set to be used as division lines for paragraph division. (Column 9, lines 48-60)

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have modified Yanase et al's method with Luebbert's of determining page divisions by finding occurrences of similar strings since it would have provide the benefit of properly identifying the end of each paragraph to maintain the proper formatting related to text group by paragraphs.

As per dependent Claim 2, Yanase et al discloses:

- wherein the division pattern storing means stores plural division patterns for an electronic document of one kind. (Paragraph 0084: Discloses multiple

division patterns that determine patterns to separate articles of the document of one kind (i.e. email or magazine: Paragraph 0063) that is inputted.)

As per dependent Claim 4, Yanase et al discloses:

- wherein the division pattern storing means stores the one or more division patterns (a searching division pattern) so that, when discrimination has been made to the inputted electronic document, within a predetermined line from a line coincident with the division pattern (a searching division pattern), there is not a line coincident with another division pattern, the line coincident with the division pattern (a searching division pattern) is defined as the division line. (Paragraph 0084: An embodiment of a news information by electronic mail in which a document format analysis is performed according to the predetermined rules (Paragraph 0079-0083)) When lines of the same character code appear consecutively, and match a predetermined rule, the lines are regarded as separators, and thus division lines.)

As per dependent Claim 6, Yanase et al disclose:

- wherein the labeling pattern storing means stores plural labeling patterns for an electronic document of one kind. (Since Paragraph 0084 discloses multiple division patterns that not only determines separate articles, but also the main body text and the title of each article. Once determining the division of the sections, the method is able to label an individual article, the text of the

article, and the title of the article. Paragraph 0081-0083 discloses example of predetermined rules used for division purposes, but also used for labeling.)

As per dependent Claim 8, Yanase et al discloses:

- wherein the labeling pattern includes the same pattern as the division pattern.

(Paragraph 0079-0084: Paragraphs 0079-0083 disclose an example of predetermined rules that is determines the separation of multiple articles from each other, and able to locate the title, main text, and links. Not only the process is able to locate each of these components, these rules are also used for labeling the component explained in Paragraph 0084 and shown in Figures 8 and 10.)

As per dependent Claim 9, Yanase et al discloses their method is able to determine the inputted document is either electronic mail (electronic document) or printed matter, (paper document)), thus able manage different kinds of documents inputted (Paragraph 0063, lines 7-11) and that the document format of news information is already determined. (Paragraph 0073, lines 5-8) However, Yanase fails to specifically disclose discriminate patterns for discriminating the kind of the electronic document inputted. On the other hand, Kobayashi et al discloses the ability to determine the format of the document by the character type of the input text data. (FIG 5; Paragraph 0106-116) Kobayashi et al's method is able to determine if the text data is in

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HTML format, (document in HTML) XML format (document in XML) (Paragraph 0109), or an email message. (electronic mail document) (Paragraph 0111)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Yanase et al's method with Kobayashi et al's method since Kobayashi's method would had made Yanase et al's method capable of unitarily processing e-mails and HTML documents, and further to provide a recording medium for use within.

As per dependent Claim 11, Yanase et al discloses receiving news by electronic mail, a plurality of articles that include a plurality of topics distributed at one time, but fails to specifically disclose that the electronic mail is a mail magazine. However, Kobayashi et al discloses an extended e-mail system of mail magazines that is capable of transmitting the same information to multiple destinations at once in which the email contains large amount of information being advertisements and bodies of text.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Yanase et al's method with Kobayashi et al's method since Kobayashi's method would had made Yanase et al's method capable of unitarily processing e-mails and HTML documents, and further to provide a recording medium for use within

As per independent Claim 12, Claim 12 recites similar limitations as in Claim 1 and is similarly rejected under rationale. Furthermore, Shimada et al discloses a method:

- a document dividing step of applying one or plural division patterns defining a predetermined character string said character string being expressed in a division line to the electronic document inputted to divide the electronic document to plural partial documents and a labeling step of applying labeling patterns provided with classification information pieces said classification information pieces defining a predetermined character string which specifies classification to the respective partial documents obtained by the division conducted in classification to the respective partial documents obtained by the division conducted in the document dividing step by providing the classification information pieces to the respective partial documents. (FIG 7-8; Paragraphs 0080, 0084: Discloses news information in an electronic mail format containing line separators composed of characters, regarded as a separator for separating articles from one another within. These character lines are predetermined rules for separating. (Paragraph 0079-0080) Paragraph 0084 discloses an example using FIG 7 containing multiple character lines where the lines are used to separate the articles from each other. In addition, other division patterns are used to separate the title and the main body of text from within each of the separated articles. As stated in Paragraph 0084, predetermined character strings such as space lines specify a partial aspect of the document if it's a title or text of that article. For example, a section separated from an subsequent section with only one line (one predetermined character string) is regarded as the title of the article and

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a section separated from a subsequent section with a plurality of lines (another predetermined character string) is regarded as the text of the article. Thus, FIG 8 and 10 shows the result of labeling the title and text of the article based on the classification of the predetermined character strings in the document.)

As per dependent Claim 13, Claim 13 recites similar limitations as in Claim 4 and is similarly rejected under Yanase et al.

As per dependent Claim 17, Claim 17 recites similar limitations as in Claim 11 and is similarly rejected under Yanase et al and Kobayashi et al.

As per dependent Claim 19, Yanase et al disclose:

- A computer readable medium in which the information partitioning program according to claim 12 has been recorded. (Paragraph 0128: Discloses various storage medium used for recording)

As per independent claim 20, Claim 20 recites similar limitations as in Claim 1, and 9 combined and is similar rejected under rationale.

As per independent claim 21, Claim 21 recites similar limitations as in Claim 1, and 9 combined and is similar rejected under rationale.

Response to Arguments

8. Applicant's arguments filed 25 August 2008 have been fully considered but they are not persuasive.

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9. On pages 10-12, in regards to independent claim 1 and 12, Applicant argues that Yanese or Luebbert fails to disclose division pattern producing means or step for recognizing existence of plural lines including similar character strings in similar positions in the electronic document inputted to produce the division pattern and register the same in the recited division pattern storing means or step of the respective claimed invention. Applicant states that the claim limitation does not use or search for known types of paragraph delimiters, but instead determines and produces a division pattern by recognizing existence of plural lines including similar character string in similar positions in the electronic document inputted. However, the Examiner disagrees.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., does not use or search for known types of paragraph delimiters) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Based on the claim language of the claim limitation, the claim limitation states "recognizing existence of plural lines including similar character strings in similar positions" However, the limitation does not specifically state how the lines are recognized. Since the limitation does not specifically state how the lines are recognize, then it is possible one could search lines of text to find or recognize similar character strings in similar positions. Furthermore, it does not specifically state how the division patterns are produce and registered in the claim language. Thus it is possible one could

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provide and register a character string by finding the string with the highest frequency of occurrences and identifying it by setting it as the paragraph delimiter. Thus, Luebbert discloses scanning text of a document searching for occurrence of repeating "possible page delimiters" or character strings to be recognized as a paragraph delimiter or paragraph dividing character string. Once scanned, it uses the character string that appears the most (highest frequency of occurrences) and uses that as the set paragraph delimiter adding that string to the system for page division. Thus, Luebbert recognizes a plural of lines that contain similar character strings near end of a paragraph that are set to be used as division lines for paragraph division. (Column 9, lines 48-60)

Conclusion

10. All claims are drawn to the same invention claimed in the parent application prior to the filing of this Continued Prosecution Application under 37 CFR 1.53(d) and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David Faber/
Examiner, Art Unit 2178

	/CESAR B PAULA/ Primary Examiner, Art Unit 2178
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